

9 FAM 42.26 PANAMA CANAL EMPLOYEES

(TL:VISA-10; 4-5-88)

An alien who is subject to the numerical limitations specified in section 3201(c) of the Panama Canal Act of 1979, Public Law 96-70, is classifiable as a special immigrant under INA 101(a)(27) (E), (F) or (G) if the consular officer is satisfied from the evidence presented that the alien qualifies under any of those three paragraphs and that the alien:

(a) Was an employee of the Panama Canal Company or Canal Zone Government on October 1, 1979, and a resident in the Canal Zone on April 1, 1979, and performed faithful service for at least 1 year; or

(b) Is a Panamanian national who was (1) honorably retired from U.S. Government employment in the Canal Zone before October 1, 1979, following a total of 15 years or more of faithful service, or (2) employed by the U.S. Government in the Canal Zone with a total of 15 years or more of faithful service on October 1, 1979, and is honorably retired from such service; or

(c) Was an employee of the Panama Canal Company or Canal Zone Government on April 1, 1979, who has performed faithful service for 5 years or more and whose personal safety or the personal safety of whose spouse or children, as a direct result of the Panama Canal Treaty of 1977, is reasonably placed in danger because of the special nature of such employment; or

(d) Is the spouse or child of any alien the consular officer concludes is qualified as a special immigrant under this section and is accompanying the alien to the United States.

9 FAM 42.26 Related Statutory Provisions

INA 101(a)(27)(E), (F), and (G)

(TL:VISA-3; 8-30-87)

(27) The term "special immigrant" means--...

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3(a)(1) of the Panama Canal Act of 1979) enters into force, who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty, and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;...

Section 3201(c) of the Panama Canal Act of 1979, PL-96-70:

(TL:VISA-3; 8-30-87)

(c) Notwithstanding any other provision of law, not more than 15,000 individuals may be admitted to the United States as special immigrants under subparagraphs (E), (F), and (G) of section 101(a)(27) of the Immigration and Nationality Act, as added by subsection (a) of this section, of which not more than 5,000 may be admitted in any fiscal year.